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In re Application of : DECISION ON PETITIONS
FORRER, et al. :
U.S. Application No.: 10/591,547 :
PCT No.: PCT/IB04/01882 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 09 June 2004 :
Priority Date: 07 March 2003 : AND 37 CFR 1.182
Attorney Docket No.: SYNT-0271 :
For: CONTAINER AND CARRIER SYSTEM :

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.497(d)" filed 17 July 2008 in the United States Patent and Trademark Office (USPTO). The issue relating to the spelling and identification of inventor Ruth Iaconi-Forrer nee Forrer is being treated as a petition under 37 CFR 1.182. As authorized the \$400.00 petition fee will be charged to deposit account number 23-3050.

BACKGROUND

On 08 April 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration.

On 17 July 2007, applicant responded with the present petition accompanied by a petition for a two-month extension of time. The response is considered timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.182

The published international application identified the inventor as Ruth Forrer while the declaration lists and has been signed by Ruth Iaconi-Forrer. Applicant has presently filed a petition under 37 CFR 1.182 to change the inventor's name to Ruth Iaconi-Forrer. The present petition is accompanied by a declaration setting forth the procedure whereby the change of name was effected; namely by marriage. The declaration is executed by Mrs. Iaconi-Forrer identifying her current married name and her maiden name. As such, it is appropriate to grant applicant's petition at this time.

II. Renewed Petition Under 37 CFR 1.497(d)

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed

pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(h); and
- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and
- (4) any new oath or declaration required by paragraph (f) of this section.

As detailed in the decision mailed 08 April 2008, applicant previously satisfied items 1 and 2 while Item 3 did not apply to the instant application.

Regarding item 4, applicant has presently clarified the discrepancy as to the correct name of inventor Iaconi-Forrer through the accompanying petition under 37 CFR 1.182 perfecting the declaration filed 06 July 2007 and satisfying the remaining item.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 and renewed request under 37 CFR 1.497(d) are **GRANTED**.

This application has an international application filing date of 09 June 2004 and will be given a date of **06 July 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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